

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

☐ **HALL OF JUSTICE** 330 W. BROADWAY, SAN DIEGO, CA 92101-3827
☐ **EAST COUNTY DIVISION** 250 E. MAIN ST., EL CAJON, CA 92020-3941
☐ **NORTH COUNTY DIVISION** 325 S. MELROSE DR., VISTA, CA 92081-6643
☐ **SOUTH COUNTY DIVISION** 500 3RD AVE., CHULA VISTA, CA 91910-5649

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INSTRUCTIONS ON APPEAL PROCEDURES - CIVIL

The following information will assist you with the general guidelines on appeal procedures. It is not intended to be comprehensive in nature, but to act as an overview. You are advised to thoroughly read California Rules of Court, rules 121 through 144. The court clerks cannot assist you. You should direct any questions you have to an attorney of your own choosing.

1. NATURE OF AN APPEAL

A party may appeal an unfavorable decision made in the trial court to the Appellate Division of the Superior Court. Clerical personnel cannot give legal advice. We suggest you research to determine if there are allowable grounds for your appeal before starting the appeal process. An appeal is not a retrial and you will not be permitted to introduce new evidence.

The filing of an appeal does not stay a money judgment or judgment for possession on real property.

2. PARTIES

The party filing the appeal is called the APPELLANT. The party against whom the appeal is brought is called the RESPONDENT.

3. NOTICE OF APPEAL

Your notice of appeal must be filed with the clerk of the trial court within the specific time frames pursuant to California Rules of Court 122 and must be accompanied by a filing fee or an application for waiver of fees.

NOTICE: *Other than the notice of appeal, all documents filed pertaining to the appeal require proof of service.*

4. DESIGNATION OF RECORD

It is the responsibility of the appellant to designate the record of the trial court proceedings. There are various acceptable methods. Refer to California Rules of Court 124-127.

5. TRANSFER OF APPEAL

- a. After a record of the trial court's proceedings has been prepared, it will be sent to the Appellate Division of the Superior Court. The Superior Court will then mail you a notice stating the date your opening brief is due. You must file an opening brief by the date set by court. Failure to do so may result in the dismissal of your appeal. (*California Rules of Court 130*)
- b. The preparation and filing of briefs is governed by California Rules of Court 105. You should read this rule thoroughly and comply with it accordingly.

6. DEFAULT

In the event the time limitations are not met pursuant to California Rules of Court, the trial court will default your appeal.

7. ABANDONMENT OF APPEAL

Should you decide not to proceed with your appeal, you must file an *Abandonment of Appeal* pursuant to California Rules of Court 133.

For links to the California Rules of Court, contact our website at: www.sandiego.courts.ca.gov

TIME CHART ON APPEALS – CIVIL

DOCUMENT OR PROCEEDING	TIME LIMITATIONS
Notice of appeal	Must be filed with the court clerk of the trial court pursuant to CRC 122. If fee does not accompany the notice of appeal, it must be submitted within 10 days. (<i>CRC 121</i>)
Designation of record	If not included with the notice of appeal, the designation of record must be filed within 10 days of filing of notice of appeal.
Transcript on appeal (optional)	If requested, in the Designation of Record On Appeal, the Reporter's Transcript must be filed pursuant to CRC 124.
Certification by Judge	No time limit.
Extension of time (optional)	By the trial court: up to 15 days for the doing of any act except the filing of a notice of appeal. By the Appellant Division: no time limit.
Relief from default	The Superior Court Appellate Division may for good cause relieve a party from a default, except for failure to timely file a notice of appeal.
Transmittal of the record on appeal	By the clerk, immediately after the record has been perfected.

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